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Regina

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MONTANA TWENTY-FIRST JUDICIAL DISTRICT COURT

COUNTY OF RAVALLI

IN THE MATTER OF THE ESTATE OF)
DONNA MENAGER ,) **PROBATE NO. DP-08-06**
Deceased.) **DEPARTMENT Number 2**

MOTION AND BRIEF TO DIVIDE REAL PROPERTY

MOTION

COMES NOW the Personal Representative of the above captioned matter and moves this honorable court for an order dividing real property in said Estate.

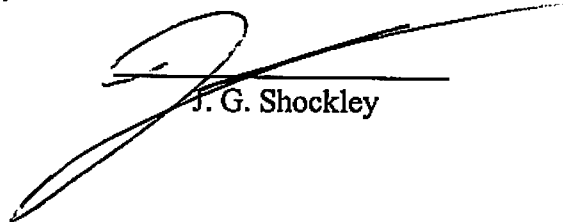
The only persons to which the Estate will distribute property are Linda Lee Menager Davison and William Kermit Menager, the children of Donna Menager. They wish to divide the one parcel of real estate in their mother's Estate between them. Attachment A is a document signed by both of the aforementioned parties attesting to their wishes, and Attachment B describes how the parties wish the 41 acres, more or less, to be divided between them. William will receive the 5.30 acres parcel, depicted as Parcel A of the unrecorded certificate of survey in Attachment B, and Linda the 35.82 acre parcel, depicted as Parcel B in the survey.

BRIEF

The authority for this court to issue the requested order is found at 76-3-201(1)(a), MCA. The statutes require at 76-3-201(2), MCA, that the County Commissioners of Ravalli County be

advised of this request by the Estate of Donna Menager. They have been mailed a copy of this Motion and Brief.

Dated this 6th day of October, 2008.



J. G. Shockley

AFFIDAVIT

Linda Lee Menager Davison and William Kermit Menager, being first sworn, sayeth as follows:

1. That they are the only children of Donna Menager;
2. That they have arranged for the unrecorded survey which is Attachment B;
3. That they agree that William will inherit Parcel A of the survey and Linda Parcel B;

IN WITNESS WHEREOF the party of the first part have hereunto set their hands the day and year first above written.

William Kermit Menager
William Kermit Menager

Linda Lee Davison
Linda Lee Davison LD

STATE OF MONTANA)
:ss.
County of Ravalli)

This instrument was acknowledged before me on the 26 day of Sept, 2008, by Linda Lee Menager. Said signatory is known to me to be the person whose name is subscribed to the within instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year hereinabove first written.



REBECCA C. ROSE
NOTARY PUBLIC-MONTANA
Residing at Stevensville, Montana
My Comm. Expires Feb. 14, 2012

Rebecca C. Rose
Notary Public for the State of Montana.
Residing at Stevensville
My Commission Expires: February 14, 2012

:ss.
County of Ravalli)

This instrument was acknowledged before me on the ____ day of ____, 2008, by Linda William Kermit Menager. Said signatories are known to me to be the persons whose names are subscribed to the within instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year hereinabove first written.

(SEAL)

[Signature]
Notary Public for the State of Montana.
Residing at Victor
My Commission Expires: 20 MAY 2011

Attachment A